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NOT ADMITTED IN D.C.

August 24, 1998

Ms. Magalie Roman Salas  
Secretary  
Federal Communications Commission  
1919 M Street, N.W.  
Washington, D.C. 20554

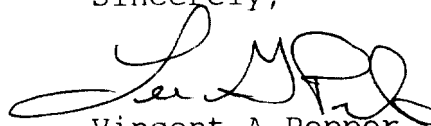
**RE:           Comments of WIKI, Inc.  
              MM Docket 98-105, RM-9295**

Dear Ms. Salas

Transmitted herewith is an original and four (4) copies of Comments filed on behalf of WIKI, Inc., licensee of Station WIKI(FM), Carrollton, Kentucky.

Should there be any questions regarding this pleading, please contact undersigned counsel.

Sincerely,



Vincent A. Pepper  
Lee G. Petro

Counsel for WIKI, Inc.

Enclosures

No. of Copies rec'd  
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280-1000  
10-1-1998  
Secretary of State  
Washington, D.C.

Before the  
**FEDERAL COMMUNICATIONS COMMISSION**  
Washington, D.C. 20554

In the Matter of: )  
 )  
Amendment of Section )  
73.202(b) Table of ) MM Docket 98-105  
Allotments - FM ) RM-9295  
Broadcast Stations )  
(Madison, Indiana) )

To: Chief Allocations Branch  
Policy & Rules Division  
Mass Media Bureau

**COMMENTS OF WIKI, INC.**

**I. INTRODUCTION**

WIKI, Inc. ("WIKI"), by and through its attorneys, hereby submits its Comments in response to the Notice of Proposed Rule Making (NPRM), DA 98-1288, released on July 2, 1998. The NPRM was issued at the request of Madison Broadcasting Company ("Madison"), which proposed to allocated Channel 266A to Madison, Indiana as its second local FM and third local aural transmission service. The NPRM requested that interested parties file comments by August 24, 1998. WIKI, Inc. is the licensee of Station WIKI(FM), Carrollton, Kentucky, and provides broadcast service to both the Carrollton and Madison communities.

As detailed below, the allocation of Channel 266A is severely deficient. A thorough review of the proposed allocation reveals that a station built with the proposed facilities could not provide "line-of-sight" service to Madison, Indiana. Further, as shown in the attached engineering exhibit, there are no other fully-spaced sites that could provide such "line-of-sight" service to Madison.

Therefore, WIKI requests that the Commission deny the Petition for Rulemaking, and terminate the instant proceeding.

## II. DISCUSSION

The Commission rules require that all FM stations provide line-of-sight service to its entire community of license. Specifically, Section 73.315(b) of the Commission's rules, 47 C.F.R. §73.315(1997) states that:

The location of the antenna should be so chosen that line-of-sight can be obtained from the antenna over the principal city or cities to be served; in no event should there be a major obstruction in this path. Id

Furthermore, Question 12 in Section V-B (FM Broadcast Engineering Data) of FCC Form 301 requires that an application for new construction permit certify that the proposed facility will comply with Section 73.315(a) and (b).

These requirements have been consistently applied in allocation proceedings. For example, in Crestwell, Oregon, 3 FCC Rcd 4608 (1988), the Commission stated that it would "not allot a channel absent a reasonable assurance that transmitter sites are available which will permit a station to operate in compliance with the Commission's technical requirements...[including] city-grade and line-of-sight service requirements". Id. ¶3. Also, in Bald Knob and Clarendon, Arkansas, 6 FCC Rcd 7435 (1991), the Commission stated that "[s]ince petitioner has failed to demonstrate the existence of a site that can provide line-of-sight service to the entire community, the proposal must be denied." Id. ¶5.

Most recently, in Jefferson City, Cumberland Gap, Elizabethton, Tennessee and Jonesville, Virginia, 10 FCC Rcd 12207 (1995), recon. denied 13 FCC Rcd 2303 (1998), the Commission considered a proposal that included a major obstruction between the proposed transmitter sight and the community of license. Due to this major obstruction, i.e., a large mountain, the proposed facility was unable to provide line-of-sight coverage to the entire community of license, and the Commission denied the proposal. Id. ¶11.

Thus, it is clear that the Commission will not entertain proposals to allot new FM channels that do not comply with its technical requirements, including those detailed in Section 73.315(b) of its Rules.

As the attached Technical Report displays, the proposed allocation does not provide line-of-sight coverage to the proposed community of license. As detailed in Exhibit E-2 to the Technical Report, there is a major obstruction which blocks line-of-sight coverage with an antenna transmitter 100 meters above average terrain. Additionally, the Technical Report demonstrates that, even if it were otherwise permissible under the Commission's rules, and economically practical, an antenna at 1,000 feet above average terrain could not provide line-of-sight service to Madison. Further, even if the proposed transmitter site were moved east of Madison, and utilized an antenna 1,000 feet above average terrain, line-of-sight service would not be possible. Exhibit E-4.

### III. CONCLUSION

Accordingly, the proposed allocation of Channel 266A to Madison, Indiana must be denied. As demonstrated, there is substantial evidence that the proposed facility will not comply with the Commission's allocation and technical rules requiring line-of-sight service to the entire proposed community of license.

Therefore, WIKI, Inc. hereby requests that the Commission deny Madison Broadcasting Company's proposed allocation, and terminate the instant proceeding.

Respectfully submitted,

WIKI, INC.

By

A handwritten signature in dark ink, appearing to read "Vincent A. Pepper", written over a horizontal line.

Vincent A. Pepper  
Lee G. Petro

Its Attorneys

**PEPPER & CORAZZINI, L.L.P.**  
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August 24, 1998

**CHARLES M. ANDERSON**  
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Bowling Green, KY 42103  
Phone/Fax (502)781-2067

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## **TECHNICAL REPORT**

This Technical Report has been prepared on behalf of station WIKI at Carrollton, Ky in support of comments in response to a Notice of Proposed Rulemaking (RM-9295) which proposes to add FM channel 266A at Madison, Indiana as a second FM service.

This report demonstrates that the proposed allocation does not meet the Commission's allocation requirements that a fully spaced site must be available which provides line of sight to all parts of the proposed city of allocation.

### **PROPOSED ALLOCATION HAS A SERIOUS LINE OF SIGHT PROBLEM**

The proposed 266A allocation at Madison, Indiana has a very <sup>limited area</sup> within which it can be allocated (see Exhibit E-1) in compliance with the Commission's separation requirements even with .5 km rounding. Furthermore, a site located in that area has a serious blockage to portions of the city of Madison.

A terrain plot from the proposed 266A allocation point (N38-49-15 W 85-18-46) and the Madison, Indiana reference point (N 38-44-12 W 85-22-54) is provided as Exhibit E-2. This plot was developed utilizing the V-Soft PLOTCOMM program and a three second N.G.D.C. terrain database. An transmitter antenna radiation center of 329 meters required to obtain 100 meters height above average terrain, and a receive antenna height of nine meters above ground level were utilized. The substantial terrain blockage is evident. A second plot with the same reference points was prepared

utilizing a 1,000 foot tower at the transmitter site. Even a 1,000 foot tower can not obtain line of sight to the Madison reference point, and the lack of Fresnel clearance is also evident. Even if a 1,000 foot tower were practical for a class A facility, it is highly unlikely that FAA clearance could be obtained for such a structure within the fully spaced area.

A second terrain analysis was conducted to another location in Madison east of the Madison reference point at N38-44-12 W 85-22-30. Exhibit E-4 is based on a 1,000 foot transmitting tower, and shows that this location in Madison suffers even more terrain blockage than the Madison reference point.

### CONCLUSION

Clearly, the proposed 266A allocation at Madison, Indiana is technically deficient. Even with a 1,000 foot tower, line of sight may not be obtained to the entire community in contravention of the Commission's rules and allocation requirements.

A handwritten signature in cursive script, appearing to read "Charles M. Anderson", is written over a horizontal line.

Charles M. Anderson 8-19-98

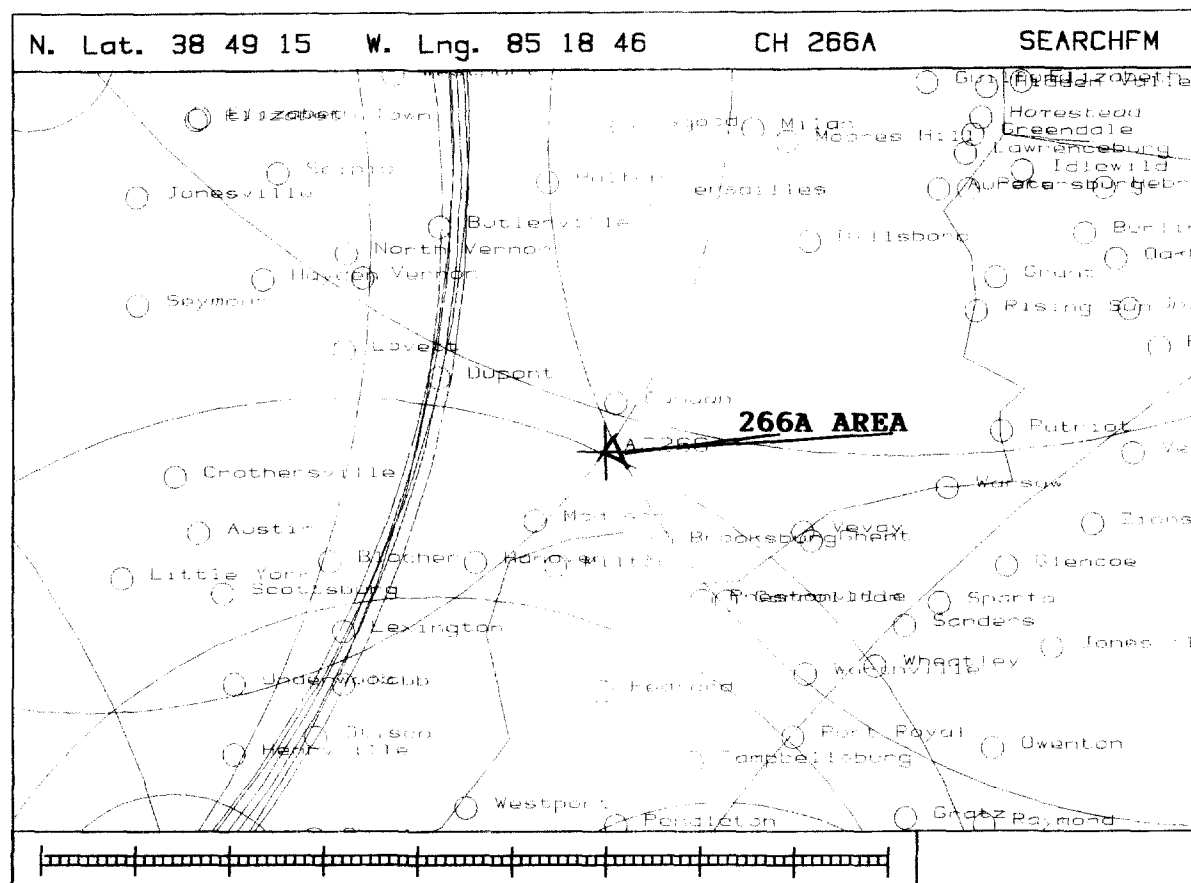
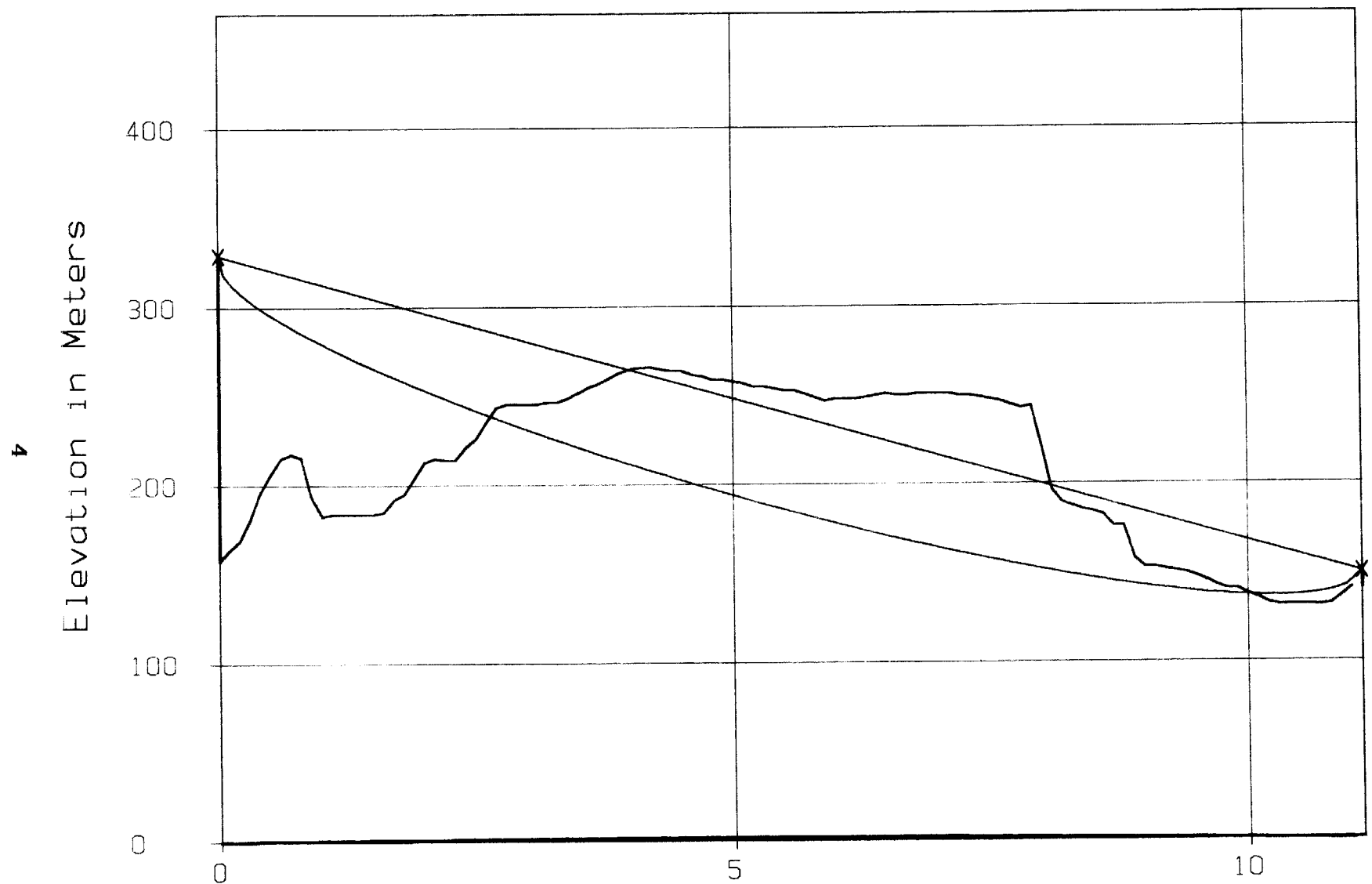


EXHIBIT E-1

Call	CH#	Location		D-KM	Azi	FCC	Margin
AD266	266A	Madison	IN	0.00	0.0	114.5	-114.50
WKKG	268B	Columbus	IN	68.53	306.7	68.5	0.03
WMJM	267A	Jeffersontown	KY	71.67	203.4	71.5	0.17
WIZF	265A	Erlanger	KY	72.73	64.0	71.5	1.23
WFMG. C	267B	Richmond	IN	116.53	16.2	112.5	4.03
WFMG	267B	Richmond	IN	116.53	16.2	112.5	4.03
WTFX	263C2	Louisville	KY	72.11	194.6	54.5	17.61
AP266	266A	Bloomfield	IN	132.14	282.4	114.5	17.64
AP266	266A	Bloomfield	IN	133.21	282.9	114.5	18.71
AP266	266A	Bloomfield	IN	133.32	284.7	114.5	18.82
AP266	266A	Bloomfield	IN	134.10	282.9	114.5	19.60
AP266	266A	Bloomfield	IN	134.24	280.9	114.5	19.74
AP266	266A	Bloomfield	IN	134.24	280.9	114.5	19.74
AP266	266A	Bloomfield	IN	134.52	283.9	114.5	20.02
ALOPEN	266A	Bloomfield	IN	141.15	279.0	114.5	26.65
WSGS	266C	Hazard	KY	260.11	133.4	225.5	34.61
WTHQ	269A	Shelbyville	KY	68.56	169.6	30.5	38.06
WLSKFM	265C3	Lebanon	KY	137.32	176.0	88.5	48.82
WUOLFM	213B	Louisville	KY	68.32	222.3	14.5	53.82
WBDC	265B1	Huntingburg	IN	154.22	244.3	95.5	58.72
AP212	212A	Columbus	IN	75.09	305.2	9.5	65.59
WAGX	267A	Manchester	OH	144.72	99.2	71.5	73.22
AP212	212B1	Nashville	IN	86.32	297.7	11.5	74.82

# TERRAIN PROFILE AT 212. DEGREES T. EXHIBIT E-2



Xmtr. AMSL = 329.15

Distance in km

Rcvr. AMSL = 150

Xmtr. AG = 171.1

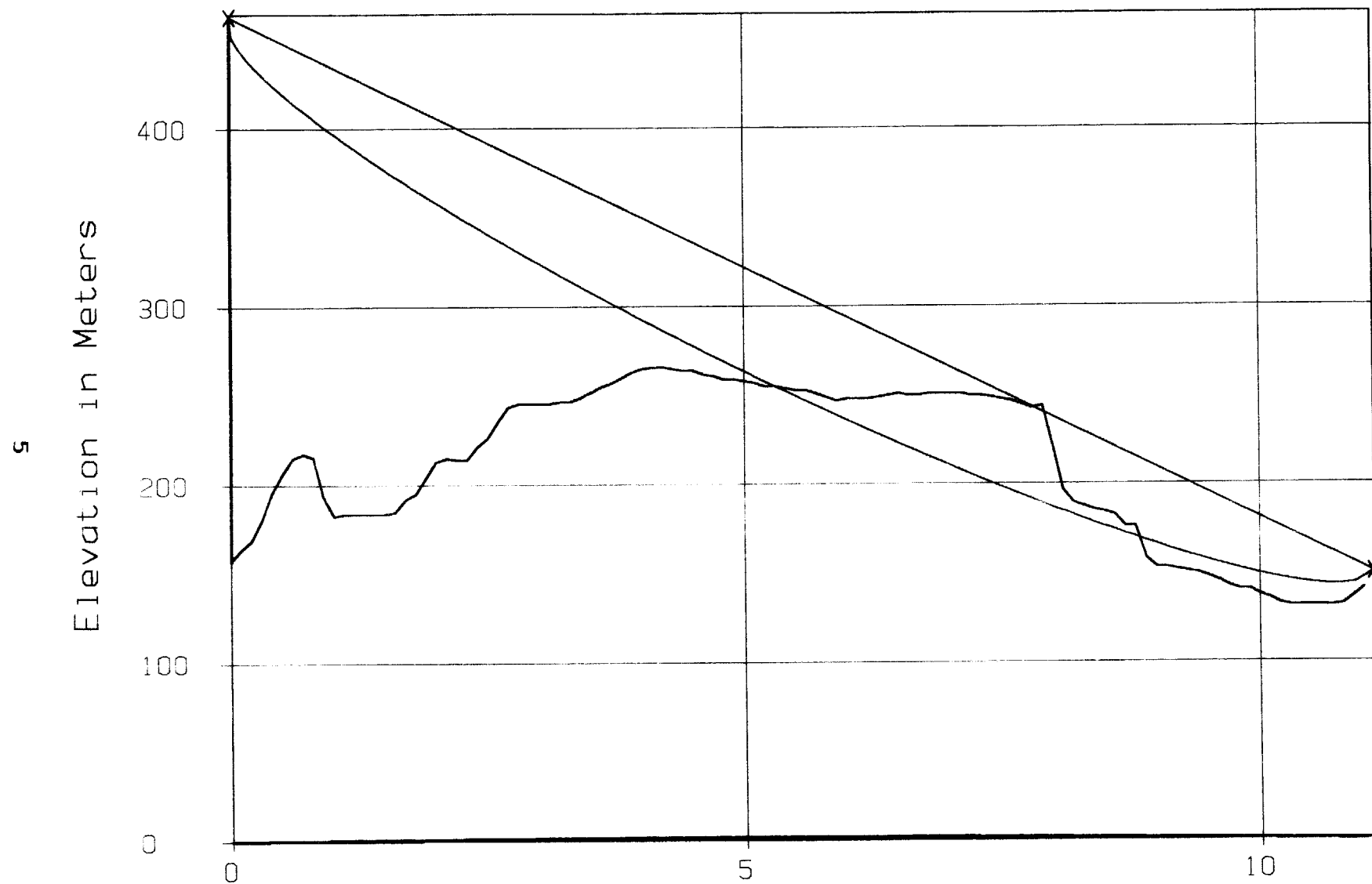
K = 1.33

Rcvr. AG = 9

Transmitter Site coordinates N. Lat. = 38 49 15

W. Lng. = 85 18 46

# TERRAIN PROFILE AT 212. DEGREES T. EXHIBIT E-3



Xmtr. AMSL = 462.8M

Distance in km

Rcvr. AMSL = 150.14M

Xmtr. AG = 304.8M

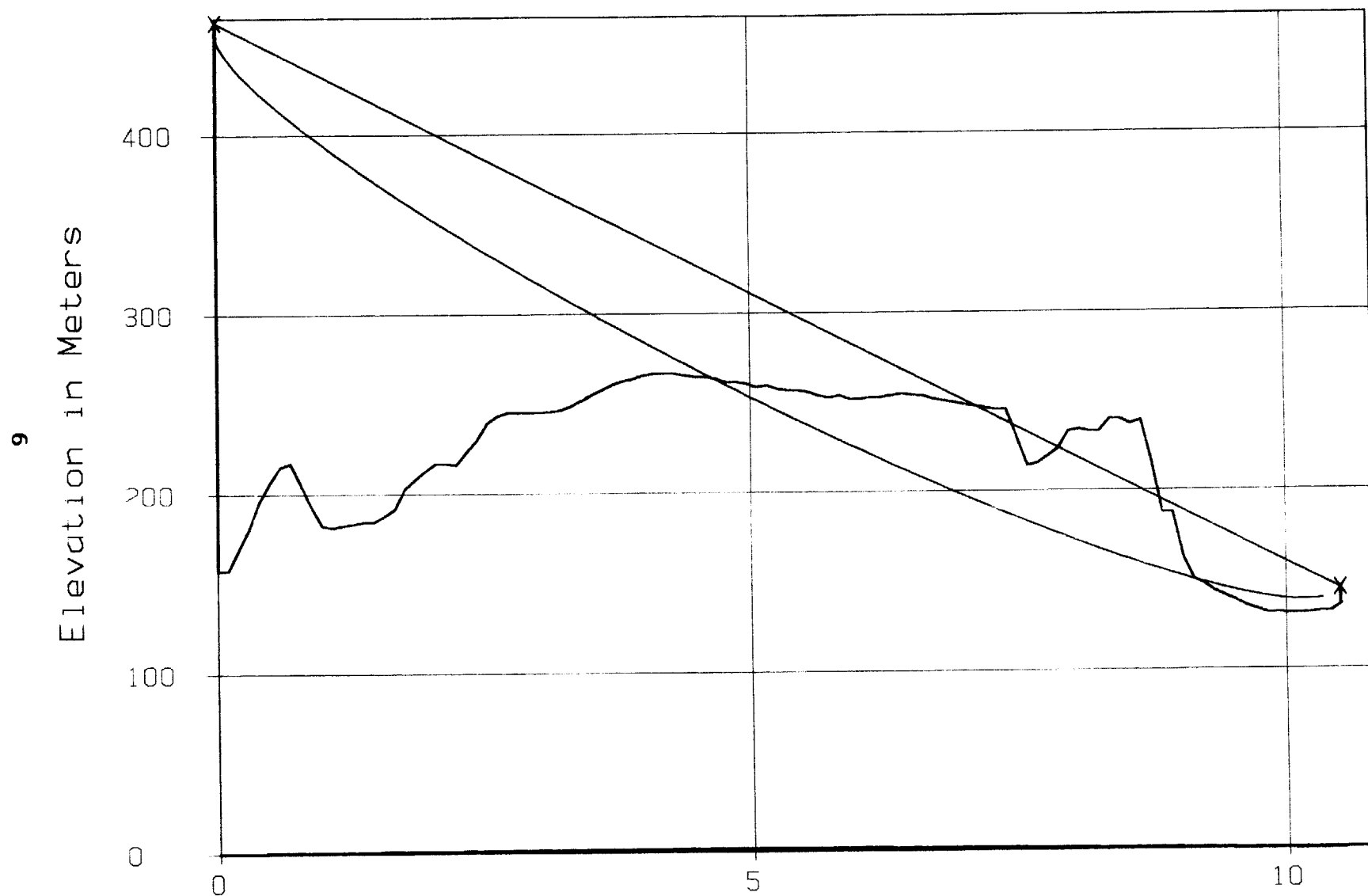
K = 1.33

Rcvr. AG = 9.1M

Transmitter Site coordinates N. Lat. = 38 49 15

W. Lng. = 85 18 46

# TERRAIN PROFILE AT 209. DEGREES T. EXHIBIT E-4



Xmtr. AMSL = 462.8M

Xmtr. AG = 304.8M

Transmitter Site coordinates N. Lat. = 38 49 15

Distance in km

K = 1.33

Rcvr. AMSL = 145.14M

Rcvr. AG = 9.1M

W. Lng. = 85 18 46


## **CERTIFICATION**

Charles M. Anderson hereby certifies that;

His qualifications in broadcast allocation matters are a matter of record before the Federal Communications Commission having been presented and accepted on many occasions in the past;

That he holds a lifetime General Radiotelephone license (#PG-6-7352) , a bachelors degree in the physical sciences from Western Kentucky University, and advanced degrees from the University of North Carolina and Indiana University;

That the accompanying technical report and exhibits were developed by him personally or under his immediate supervision and that all the information presented therein is true and correct to the best of his knowledge and belief.

/s/   
Charles M. Anderson

August 19, 1998

**Disclaimer:** Charles M. Anderson assumes no liability for any errors or omissions in the information, exhibits and report provided herein; and, shall not be liable for any injuries or damages (including consequential) which might result from use of said information, exhibits and report. Filing of this report with the Federal Communications Commission constitutes acceptance in full of the terms and conditions stated above.

**Copyright (c) 1998, Charles M. Anderson.**

CERTIFICATE OF SERVICE

I, Lisa A. Skoritoski, a secretary for Pepper & Corazzini, do hereby certify that a copy of the foregoing Comments were hand delivered to the following parties on August 24, 1998:

Mark N. Lipp, Esquire  
Shook, Hardy & Bacon  
801 Pennsylvania Avenue, N.W.  
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Counsel for Madison Broadcasting Company

John A. Karousos, Chief  
Allocations Branch  
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Lisa A. Skoritoski